

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

CASE NO. 24-14037-CIV-CANNON

ALEKSEY TOVARIAN,

Plaintiff,

v.

RUBIC, LLC, KATERYNA PANOVA,
and JOHN DOE

Defendants.

ORDER DISMISSING COMPLAINT AND PERMITTING REPLEADING

THIS CAUSE comes before the Court upon a sua sponte review of the record. On February 9, 2024, Defendants Rubic, LLC and Kateryna Panova removed the instant action from state court to this Court [ECF No. 1]. The Complaint purports to bring defamation claims against Defendants Rubic LLC and Kateryna Panova and a claim for “Pure Bill of Discovery” against an unnamed Defendant, “John Doe” [ECF No. 1-2 p. 14]. For the reasons stated below, Plaintiff’s Complaint [ECF No. 1-2] is **DISMISSED WITHOUT PREJUDICE**, with leave to file an amended complaint on or before **March 4, 2024**.

“As a general matter, fictitious-party pleading is not permitted in federal court.” *Richardson v. Johnson*, 598 F.3d 734, 738 (11th Cir. 2010). There is a limited exception to this rule “when the plaintiff’s description of the defendant is so specific as to be ‘at the very worst, surplusage.’” *Id.* (quoting *Dean v. Barber*, 951 F.2d 1210, 1215–16 (11th Cir. 1992)). Plaintiff’s Complaint does not meet the limited exception to the rule against fictitious party pleading. The Complaint merely states that Defendant, John Doe, is an individual that “created, facilitated administered and generated false information relating to Plaintiff” [ECF No. 1-2 p. 14]. The


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Complaint does not provide any other information about the description of this individual [ECF No. 1-2].

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Complaint [ECF No. 1-2] is **DISMISSED WITHOUT PREJUDICE**.¹
2. Plaintiff may file an amended pleading in accordance with this Order on or before **March 4, 2024**.
3. In light of this Order, Defendants' Motion to Dismiss Plaintiff's Complaint [ECF No. 3] is **DENIED AS MOOT**.
4. Failure to comply with this Order may result in dismissal of the case without further notice.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 13th day of February 2024.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

¹ This Order does not foreclose Plaintiff from filing a motion to conduct expedited discovery, but any such motion must specify "good cause" for the relief requested. *See* Fed. R. Civ. P. 26(d)(1).